

# Board of Adjustment Application

Office Use

Docket #: \_\_\_\_\_

Date \_\_\_\_\_

Project Address \_\_\_\_\_

Contact Person \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Property Owner \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

1. This request is for permission to allow the creation of and/or use of the property described as follows:

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2. For a *Special Use Permit* or *Variance*, twenty (20) copies of a site plan are required. The following information shall be provided on the plan per Form 1 of the Submittal requirements of the Unified Development Ordinance. (*Community Development staff is available to assist you with preparing the map.*)

- a. Map at a scale of 1" = 100' or larger
- b. North arrow, date, scale, and person drawn by (with address & telephone number)
- c. Property boundaries
- d. All existing structures on site
- e. Location and dimensions of proposed structures or additions
- f. Location of all utilities (well, septic tank, etc.)
- g. Location map not smaller than 1" = 1000' showing the site and at least two (2) intersecting public streets
- h. Points of access
- i. Streets and driveways on other adjoining property
- j. Other information deemed necessary by the Staff, Planning Board, Board of Adjustment, or Board of Aldermen for plan review. The Zoning Administrator has authority to reject plans that do not show all necessary information.

3. For an appeal of a zoning interpretation, submit supporting information describing the basis of the appeal.

4. Check (*payable to the Town of Kernersville*) or cash, to cover filing fee of \$ \_\_\_\_\_ shall be included. Filing fees are in accordance with the current approved Budget Ordinance.

5. It is requested that this application be presented to and heard by the Zoning Board of Adjustment at a meeting to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 7:00 P.M. in the Kernersville Municipal Council Chambers, Kernersville, NC.

- 6. Requirements** (*It is recommended that the Applicant meet with Community Development staff to review the requirements.*)
- a. Petitioner or authorized representatives must be present for request to be heard.
  - b. Concurring vote of 4/5th's of the members of the Board must decide in favor of a variance, and majority vote for a **Special Use Permit** and Appeal of an interpretation of the Zoning Administrator.
  - c. For a **Special Use Permit**, the applicant is required to submit compelling evidence that supports the following four findings the Board must make to approve a **Special Use Permit**.
    - i. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
    - ii. That the use meets all required conditions and specifications.
    - iii. That the use will not substantially injure the value of adjoining or abutting property.
    - iv. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Kernersville Development Plan*.
  - d. For a **Variance**, the applicant is required to submit compelling evidence that determines that unnecessary hardships would result from carrying out the strict letter of a zoning ordinance. The Board of Adjustment may vary any of the provisions of the ordinance upon a showing of all of the following:
    - i. The unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property;
    - ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
    - iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
    - iv. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
  - e. The applicant may submit compelling evidence that offers specific types of design, layout, landscaping, screening, drainage etc. that will be undertaken to meet the findings the Board must make to approve the application.
  - f. Prior to a Board of Adjustment action on the request, the applicant and other parties present evidence. The Board needs to consider what evidence is hearsay, and what is factual evidence. The Board can only consider factual evidence.
  - g. The Board may impose such conditions to allow the project to meet the four findings the Board must make to approve the application. Conditions may include, but are not limited to: The

height, bulk, orientation, or location of a structure on a zoning lot; the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; street access, drainage”.

**By signing this form, I acknowledge these requirements.**

**Property Owner(s) Signature(s)**

**Printed Property Owner(s) Name(s)**

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**TOWN STAFF SECTION**

**Pin#** \_\_\_\_\_ **Zoning District** \_\_\_\_\_ **Overlay** \_\_\_ Yes \_\_\_ No

**Special Use District** \_\_\_ Yes \_\_\_ No

**Overlay Standards Compliance** \_\_\_ Yes \_\_\_ No \_\_\_ NA

**Special Use District Compliance** \_\_\_ Yes \_\_\_ No \_\_\_ NA

**Setbacks** Front \_\_\_\_\_ Rear \_\_\_\_\_ Sides \_\_\_\_\_ Street Side \_\_\_\_\_

**Public Water** \_\_\_ Yes \_\_\_ No If no, need well location.

**Public Sewer** \_\_\_ Yes \_\_\_ No If septic, Forsyth County Health Department site plan required.

**Easements** \_\_\_ Yes \_\_\_ No **FEMA** \_\_\_ Yes \_\_\_ No **Driveway** \_\_\_ Yes \_\_\_ No

**Stream Buffer** \_\_\_ Yes \_\_\_ No

**Board of Adjustment Case Type**

\_\_\_ **Variance** (Attach site plan and supporting documentation)

\_\_\_ **Special Use Permit** (Attach site plan and supporting documentation)

\_\_\_ **Appeal the interpretation of the Zoning** Administrator (Attach supporting information on Basis of Appeal)

G: Community Development\Admin Folder\ORIGINAL\Bd Adjustment Application